

2020 DOMESTIC VIOLENCE VIRTUAL CONFERENCE

October 9, 2020
Phoenix, Arizona



Evidence Based Investigation & Prosecution

Presented by:

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Distributed by:


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Evidence Based Prosecution

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Objectives

Understand principles of Evidence Based Prosecution

Identify elements of offender focus investigations

Use evidence to tell the story of the crime

Keeping victims engaged in the process

2

Goals of Prosecution

Safety?

Offender Accountability?

Justice?

Vindication?

Restoration?

Reunification?

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Your Greatest Challenge in DV Cases?

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Challenges

- Improved Investigations
- Recanting/Unavailable Witnesses
- Using Hearsay Evidence
- Overcoming Myths about Domestic Violence

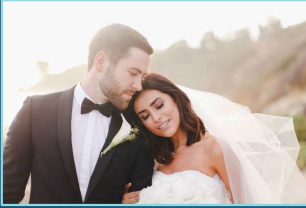
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Reasons for These Challenges

- Victims
 - Fear
 - Shame
 - Goals/purposes
 - Batterer influence
 - Myths
- System
 - Fear
 - Delays
 - Environment
 - Distrust of system
 - Prior experience
 - Myths

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Our Scenario



Michael and Barbara

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Evidence Based Prosecution

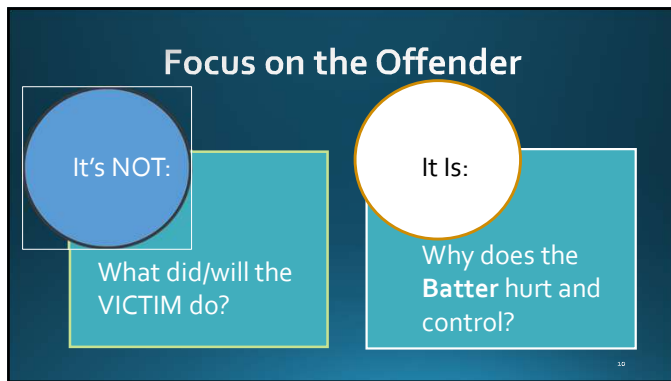
A practice that allows for the prosecution of intimate partner violence cases without relying on victim testimony.

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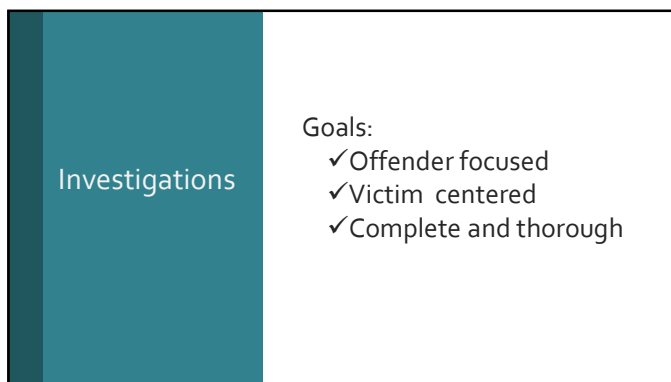
Elements of Evidence Based Prosecution

- Effective investigations
- Hearsay evidence
- Victim support

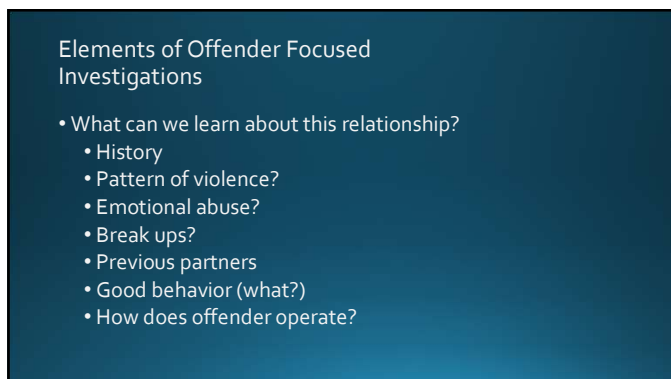
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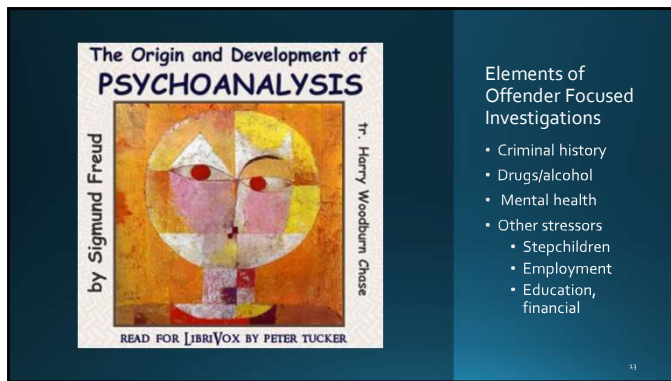
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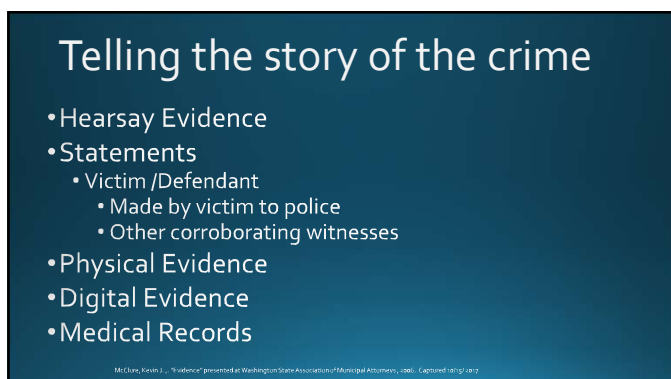
Elements of Offender Focused Investigations

- Criminal history
- Drugs/alcohol
- Mental health
- Other stressors
 - Stepchildren
 - Employment
 - Education, financial

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Telling the story of the crime

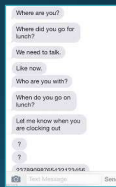
- Who are the actors?
 - Prove Identity of parties not present to testify



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Telling the story of the crime

- Digital evidence
- Body cameras
- Relationship history
- Previous calls for service



CALL ID	CATEGORY	PROBLEM TYPE	SL SERVICE DATE	ASSIGN SA	ISSA	SL STATUS	STATUS	ASSIGN
000001	Personal Call	Personal	11/11/11 AM	11/11/11 AM	11/11/11 AM	11/11/11 AM	11/11/11 AM	11/11/11 AM
000002	Personal Call	Personal	11/11/11 AM	11/11/11 AM	11/11/11 AM	11/11/11 AM	11/11/11 AM	11/11/11 AM
000003	Personal Call	Personal	11/11/11 AM	11/11/11 AM	11/11/11 AM	11/11/11 AM	11/11/11 AM	11/11/11 AM
000004	Personal Call	Personal	11/11/11 AM	11/11/11 AM	11/11/11 AM	11/11/11 AM	11/11/11 AM	11/11/11 AM
000005	Personal Call	Personal	11/11/11 AM	11/11/11 AM	11/11/11 AM	11/11/11 AM	11/11/11 AM	11/11/11 AM
000006	Personal Call	Personal	11/11/11 AM	11/11/11 AM	11/11/11 AM	11/11/11 AM	11/11/11 AM	11/11/11 AM
000007	Personal Call	Personal	11/11/11 AM	11/11/11 AM	11/11/11 AM	11/11/11 AM	11/11/11 AM	11/11/11 AM
000008	Personal Call	Personal	11/11/11 AM	11/11/11 AM	11/11/11 AM	11/11/11 AM	11/11/11 AM	11/11/11 AM
000009	Personal Call	Personal	11/11/11 AM	11/11/11 AM	11/11/11 AM	11/11/11 AM	11/11/11 AM	11/11/11 AM
000010	Personal Call	Personal	11/11/11 AM	11/11/11 AM	11/11/11 AM	11/11/11 AM	11/11/11 AM	11/11/11 AM


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Telling the story

- Jail Recordings
- DV Dynamics
- Threats
- Promises




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Telling the story of the crime

- Physical Evidence
 - Weapons
 - clothing
- Photos:
 - crime scene
 - victim
 - victim's injuries
 - batterer
 - batterer's injuries
 - or absence of injuries

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Telling the story of the crime

- Witnesses
 - Neighbors
 - Family Members
 - Children***

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Telling the story of the crime



- Prior bad acts by batterer
 - 404 (b) evidence
 - Prior difficulties
- Batterer's statement

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Telling the story of the crime

EMTs/Medical

Handwritten note: *Reports the fall off top of car. Alice also let get back / but he is a hard hat worker. Rebecca Lee.*

Handwritten note: *Do not let go of car until she is safe.*

Handwritten note: *Do not let go of car until she is safe.*

Handwritten note: *Do not let go of car until she is safe.*

Do you ever feel unsafe at home? ☒ Yes ☐ No ☐ Not done (check)

Are you in a relationship in which you have been physically hurt or feel threatened? ☒ Yes ☐ No ☐ Not done (check)

ROBBINS, SUSAN MR# 00883829

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Telling the story of the crime

- Documentary Evidence
 - Protective Orders
 - Other court documents
 - Divorce
 - Child custody
 - Landlord tenant
 - Other property records

Restraining Order

CASE NO. 18-00101

IN THE FAMILY COURT OF PRINGLE TOWNSHIP

BREITENBURG, CANADA

JESSICA CROSS Applicant

vs.

MATTHEW CROSS, Defendant

RESTRaining Order for PROTECTION AGAINST AGGRAVATED HARBORING OR HARASSMENT

Date Issued: JUNE 12

YOU MUST OBEY THIS ORDER. VIOLATION OF ANY INTENTIONAL VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE AND CAN RESULT IN YOUR IMMEDIATE ARREST ON A WARRANT OF ARREST. Violation of this order is prohibited by law for the act that constitutes the violation of the order, which is a criminal offense for the purpose of the order. Violation of this order is prohibited by law for the act that constitutes the violation of the order, which is a criminal offense for the purpose of the order. Violation of this order is prohibited by law for the act that constitutes the violation of the order, which is a criminal offense for the purpose of the order.

BEFORE THE Court sitting pursuant to High Courts Act in Family Court June 12.

UPON having the applicant and the first respondent appear in person and counsel for both sides.

AND UPON the Court considering the relevant evidence in the Court bundle and having reviewed the evidence of parties.

IT IS ORDERED THAT the father will have no contact with other mother or daughter. The father will also be liable to pay costs of the order.

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Telling the story of the crime



- Business Records
 - Employment records
 - Attendance
 - Non law enforcement incident reports
 - Other business records

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Keeping your victim engaged in the process

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[illegible]

Keeping
your victim
engaged in
the process



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[illegible]

Myths about domestic violence

Myths about domestic violence

Victims make up allegations to get back at batterer

Domestic violence victims are mentally ill

Domestic violence victims have low self-esteem

Real victims cooperate with the prosecution

He just needs to learn to control his temper

She is just staying for the money

She must be doing something to provoke him

They must like it or they would leave

Leaving will end the abuse

If they could have drug/alcohol treatment, they wouldn't batter

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Removing Barriers to Leaving

- Financial
- Culture
- Physical
- Language
- Children
- Fear
- Distrust
- Dependence
- Shame

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Removing Barriers to Leaving

Collaborate!

- Systems based
- Community based
- Other social services

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Using an Expert



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Using an Expert

- Help you to understand dynamics
- Expert witness testimony
 - Support victim credibility
 - Explain the process of recantation
 - Explain victim behaviors which may be counter-intuitive to a jury

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Evidence Based Prosecution

Investigations	Evidentiary Tools	Trial Strategy	Victim Support
<ul style="list-style-type: none"> • Physical Evidence • Relationship History • Victim/Statements • Prior Acts 	<ul style="list-style-type: none"> • Hearsay Exceptions • Prior Difficulties • 404 (b) Evidence 	<ul style="list-style-type: none"> • Recanting Witnesses • Pre-emptive Motions • Expert Witnesses • Meeting Defenses 	<ul style="list-style-type: none"> • Removing barriers • Collaboration • Sentencing

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#WhyIstayed

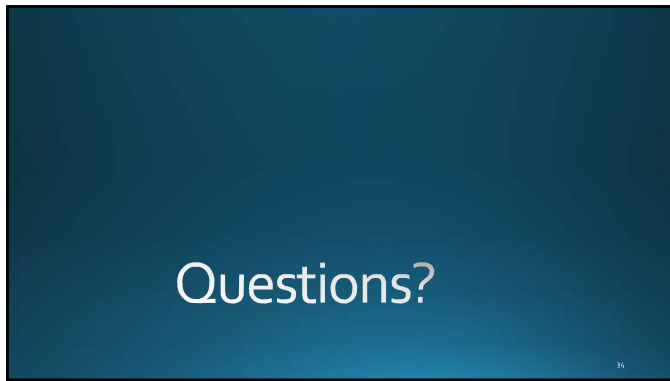
"People in society refuse to believe that those two men can exist...[A]n abuser must either be a monster or a saint, but never both. But my husband was both. He sacrificed for me time and again. But he also controlled and abused me. He was both my best friend and a man that I was terrified of to my core."

Just about everyone I arrested for domestic violence was a "swell guy or gal" to everyone except the person(s) they abused. They hid it so well the abused questioned and blamed themselves. People who haven't experienced this have a hard time understanding why the abused stay, it took me awhile to figure it out.

Mental abuse is real. And it debilitates—as brutally as a black eye. and it escalates—to murder of the victim's mind. even if no bruises are evident, a victim of mental abuse makes decisions out of fear and humiliation.

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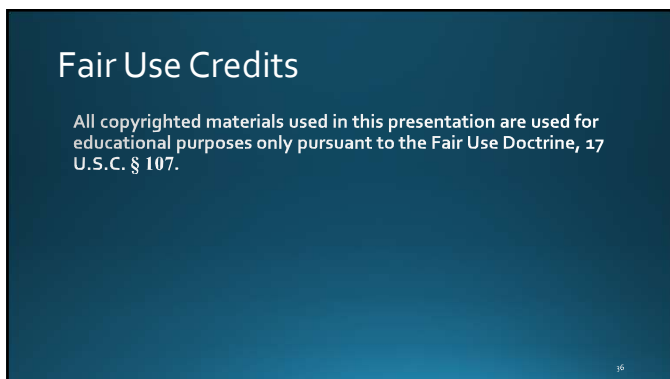
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